

Brian P. Dolin - 182971

**JACOBSEN & McELROY PC**

2401 American River Drive, Suite 100

Sacramento, CA 95825

Tel. (916) 971-4100

Fax (916) 971-4150

[bdolin@jacobsenmcelroy.com](mailto:bdolin@jacobsenmcelroy.com)

[ESERVICE@jacobsenmcelroy.com](mailto:ESERVICE@jacobsenmcelroy.com)

Attorneys for Defendant

**COSTCO WHOLESALE CORPORATION**

Thomas Morgan - 309237

Ayala, Morgan & Buzzard

729 1st St., Suite D

Brentwood CA 94513

Tel: (866) 465-2999

Fax: (925) 289-8846

[litigation@amb.law](mailto:litigation@amb.law)

Attorneys for Plaintiff FLORENCE GIOLLI

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FLORENCE GIOLLI,

Plaintiff,

vs.

COSTCO WHOLESALE  
CORPORATION; and DOES 1 through  
10, inclusive,

Defendants.

) Case No.: 2:23-cv-01473-DJC-JDP

) *ACTION FILED: 11/22/22*

) **REVISED STIPULATION AND ORDER**  
) **AMENDING SCHEDULING ORDER**

I.

**SYNOPSIS OF CASE**

Claims and Defenses

Plaintiff Florence Giolli claims that on November 22, 2020, while at the Manteca Costco warehouse, she tripped on a pallet displaying soda and fell. She claims the fall fractured her right patella which required surgical repair on December 3, 2020. Plaintiff claims the products/pallet of products were negligently placed by Costco which posed a trip/fall hazard;

Defendant Costco Wholesale Corporation denies that the incident occurred, and in the alternative asserts that the pallet displaying soda was not a dangerous condition and was open and obvious to a reasonably attentive person.

Discovery

The parties have served and received written responses to discovery and the plaintiff and a witness have been deposed. The depositions of the plaintiff and witness were difficult to schedule as both deponents suffered a stroke and neither are able to drive. The Plaintiff is still treating her right knee condition and anticipates seeing her treating doctor in the near future to discuss further medical care which may include surgery. Therefore, more discovery is contemplated by the parties.

However, prior to incurring the cost of further discovery, including a medical exam and expert discovery, the parties are attempting to resolve this matter informally. To the extent a resolution cannot be obtained over the phone in the near future, the parties are contemplating a mediation to be completed by September 2024.

II.

**STIPULATION OF PARTIES TO CONTINUE DISCOVERY SCHEDULE**

It is agreed that in order to afford the parties the best opportunity to resolve this matter, the parties wish to avoid the litigation costs anticipated to complete discovery. Therefore, additional time is required to complete discovery, designate experts and prepare expert reports should the parties be unable to resolve this matter by September 2024. The requested extension of the discovery timelines will allow the necessary time to pursue settlement

discussions and a possible mediation. Based on the foregoing, the parties stipulate and agree to a short extension of the discovery timelines. The parties have not made any prior request to extend the Scheduling Order and without the short extension of discovery, it is believed the parties will be prejudiced.

Upon instruction from the court, and in light of the foregoing, the parties stipulate to the following revised discovery timelines:

EVENT	CURRENT DATE/TIME	NEW DATE/TIME
Fact Discovery	August 2, 2024	November 1, 2024
Designation of Experts	August 30, 2024	November 29, 2024
Supplemental Disclosure		December 27, 2024
Completion of Expert Discovery	October 25, 2025	January 24, 2025
All Motions filed by: And heard on:	January 3, 2025 2/20/25 at 1:30 p.m.	March 7, 2025 May 1, 2025 at 1:30 p.m.
Final Pretrial Conference	May 8, 2025 at 1:30 p.m.	July 17, 2025
Jury Trial	July 7, 2025	September 8, 2025 at 8:30 a.m.

Federal Rules of Civil Procedure 6(b), 16(a) and 16(b)(4) give the court broad discretion to regulate pre-trial matters, to manage its calendar, grant continuance of scheduling dates, and so direct the parties in a manner that expedites disposition of the action and facilitates settlement. Pursuant to Local Rule 144 and as set forth above, good cause exists for the Court to grant the extensions requested under any of the Rules.

IT IS SO STIPULATED.

DATED: October 10, 2024

By: /s/ Brian P. Dolin

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Attorneys for COSTCO WHOLESALE CORPORATION

1 DATED: October 10, 2024

2 By: /s/ Thomas Morgan  
3 Thomas Morgan - 309237  
4 **AYALA, MORGAN & BUZZARD**  
5 729 1<sup>ST</sup> Street, Suite D  
6 Brentwood, CA 94513  
7 Tel. (866) 465-2999  
8 Fax (925) 289-8846  
9 litigation@amb.law  
10 Attorneys for FLORENCE GIOLLI

11 **ORDER**

12 Based on the foregoing Stipulation and good cause appearing therefore, IT IS  
13 HEREBY ORDERED that the Scheduling Order be, and the same hereby is, revised as set  
14 forth above in the Stipulation.

15 IT IS SO ORDERED

16  
17 Dated: October 10, 2024

18 /s/ Daniel J. Calabretta  
19 THE HONORABLE DANIEL J. CALABRETTA  
20 UNITED STATES DISTRICT JUDGE  
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